



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

October 27, 2010

VIA EMAIL & U.S. MAIL

Nancy Matsumoto
Water Replenishment District of Southern California
440 Paramount Boulevard
Lakewood, CA 90712

Dear Ms. Matsumoto:

Thank you for your input on the Draft Feasibility Study (FS) Report, Omega Chemical Corporation Superfund Site, Operable Unit 2 (OU2), dated January 2010. Your June 10, 2010 letter and other communications the U.S. Environmental Protection Agency (EPA) has had with the Water Replenishment District (WRD) have been helpful. In response to comments from WRD and others, as well as our own internal review, we made several revisions to the draft FS before issuing the final version in August 2010. Below, we have summarized how we have incorporated WRD's comments into the final FS:

- Description of the roles of the Watermaster and WRD, and discussion of water rights, Replenishment Assessment Exemptions, and Nonconsumptive Water Use (NWU) Permits - WRD's comments were incorporated into Section 2.5.5.3 Treated Water Discharge or End Use Process Options. In addition, the water rights issue is introduced in Section 2.5.2 Institutional Controls.
- Costs associated with water rights and RA Exemption - These comments were incorporated into Section 4.2 Individual Analysis of Remedial Alternatives. Costs associated with an RA Exemption are included explicitly in each alternative's costs, as appropriate. The costs associated with developing an agreement with a water rights holder are included in engineering design and technical support as a percentage of the construction cost.
- Acquisition of water rights - This issue was addressed in Section 4.3.6 Implementability. All of the remediation options (except the No Action Alternative) require water rights, and some may be eligible for a NWU Permit. Under the preferred alternative, the implementing parties are expected to consider a possible no net change in withdrawal of groundwater from the basin, offsetting groundwater extraction by commensurate reductions in existing area water production well rates. That is, implementation of the preferred alternative may result in the provision of water at the same extraction rate (and RA fees) existing prior to its implementation. Hence, there would be no net change in the cost of the replenishment fees.

for the water purveyor(s). The replenishment fee for the waste brine discharge was included in the remedy cost.

- RA Exemption and NWU Permit as Applicable or Relevant and Appropriate Requirements (ARARs) - The RA Exemption and NWU Permit are not considered ARARs as defined in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA); this definition is summarized in Section 2.3 Applicable or Relevant and Appropriate Requirements. The RA Exemption and NWU Permit were considered in the FS in the development and evaluation of the alternatives.

EPA appreciates your input and help with clarification of these issues in the FS.

The final Remedial Investigation/Feasibility Study (RI/FS) report is posted on the website below:

[ftp://ftp.ch2m.com/Omega_RI_FS\](ftp://ftp.ch2m.com/Omega_RI_FS)

User ID: OmegaOU2

Password: final_RIFS

The Proposed Plan is available on the website below:

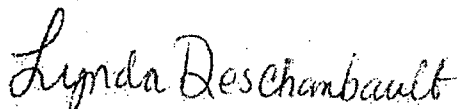
www.epa.gov/region09/OmegaChemical

As you know, the public comment period is open from August 23, 2010 to November 22, 2010, and we welcome your formal comments on the Proposed Plan.

EPA will continue its regular meetings with WRD regarding the groundwater contamination at OU2. In the meantime, if you or your co-workers have any technical questions regarding the RI/FS or the Proposed Plan, please contact me at (415) 947-4183.

Please direct any legal questions to Steve Berringer, Assistant Regional Counsel, at (415) 972-3909.

Sincerely,



Lynda Deschambault
Remedial Project Manager
Superfund Division

cc: Lori Parnass (DTSC)
Steve Berringer, USEPA
Fred Schauffler, USEPA
Tom Perina, CH2M HILL

EPA response to WRD comments on OU2 FS

Lynda Deschambault

to:

nmatsumoto

10/29/2010 11:20 AM

Cc:

bsparks, ply, tjohnson, Tom.Perina, Frederick Schauffler, Stephen Berninger, LParnass, Matt Salazar,

deschambault.lynda

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Hello Nancy,

We appreciate the input you provided on the Draft Feasibility Study (FS) Report, for the Omega Chemical Corporation Superfund Site, Operable Unit 2 (OU2). In response to WRD's comments, we revised the final FS, which EPA released in August 2010.

Attached is a letter that summarizes how we have incorporated WRD's comments into the FS.

Lynda

Lynda Deschambault
Environmental Chemist
(415) 947-4183 phone
(415) 947-3526 fax

" The ultimate measure of a man [woman] is not where he [she] stands in moments of comfort and convenience but where he [she] stands at times of challenge and controversy."
Rev. Dr. Martin Luther King Jr.
(See attached file: EPA response to WRD_10.26.10.docx)

----- Forwarded by lynda deschambault/R9/USEPA/US on 10/26/2010 04:29 PM -----

From:	Nancy Matsumoto <nmatsumoto@wrd.org>
To:	Lynda Deschambault/R9/USEPA/US@EPA
Cc:	"Tom.Perina@CH2M.com" <Tom.Perina@CH2M.com>, Ted Johnson <tjohnson@wrd.org>, Phuong Ly <ply@wrd.org>, "Sparks, Bianca" <bsparks@meyersnave.com>
Date:	06/10/2010 05:49 PM
Subject:	Omega Chemical OU-2 and Water Rights, Replenishment Assessment Exemptions and Nonconsumptive Water Use Permits

Lynda,

As you are aware, WRD staff (Phuong Ly and myself) met with you and your consultant, CH2MHill (Tom Perina, Mike Grigorieff) on May 12, 2009 at WRD to discuss possible remediation options for the Omega Chemical OU-2 site, and the associated water rights, Replenishment Assessment (RA) Exemptions and Nonconsumptive Water Use (NWU) Permits issues. We also provided a briefing on water rights, RA Exemptions and NWU Permits at the subsequent November 18, 2009 Central and West Coast Basin Groundwater Contamination Forum meeting which you and Mr. Perina attended.

In light of these past briefings, WRD has reviewed EPA's Draft Feasibility Study Report, Omega Chemical, Operable Unit 2, Whittier, California, dated January 2010, and notes some apparent discrepancies in EPA's understanding of the water rights, RA Exemptions, and NWU Permit issues affecting remediation options for the OU-2. The attached letter details the apparent discrepancies in the Draft Feasibility Study Report and offer suggestions for clarification. We welcome a follow-up discussion on these items at your earliest convenience.

A hard copy of this letter will be sent in the mail shortly.

Thank you,
Nancy

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